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**PATENT**

Attorney Docket No. A-72170-1  
Dorsey File No. 460930-00010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

SPANGLER et al.

Serial No.: 10/805,683

Filing Date: March 10, 2004

For: *Multifunctional Photodynamic Agents for Treating of Disease*

Examiner: Michael G. Hartley

Art Unit: 1618

Confirmation No. 8543

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, including listed enclosures, is being deposited with sufficient postage with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Box Amendment, P.O. BOX 1450, Alexandria, VA 22313-1450 on:

Dated: February 6, 2006

Signed: Victoria Linne Poulsen  
Victoria Linne Poulsen

**INFORMATION DISCLOSURE STATEMENT**

Box Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO/SB/08A-B, Substitute for form PTO 1449. In accordance with 1273 Off. Gaz. Pat. Off. 1, 8/5/2003, no copies of U.S. patents and U.S. published applications are enclosed pursuant to 37 C.F.R. § 1.97(e), and as required by M.P.E.P. § 609(B). Further, in accordance with the provision of 37 C.F.R. §§ 1.97(c) and 1.97(e)(1), the undersigned certifies that references A1-A2, B1-B8 listed on the enclosed form PTO-1449 were cited in the International Search Report dated July 22, 2004, for a counterpart PCT application. However, references C1 ad C2, though cited on the aforementioned International Search Report, were also cited in Applicant's Information Disclosure Statement filed on August 12, 2004, and said references were

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Serial No.: 10/805,683  
Filing Date: March 10, 2004

submitted with the Information Disclosure Statement and are therefore not enclosed with this instant submission. A copy of the International Search Report for the counterpart PCT application, PCT/US2004/007525, is enclosed herewith.

None of the foregoing references is believed to disclose the invention as claimed. Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

As far as is known to the undersigned, this Information Disclosure Statement is being filed before the payment of the issue fee, with a check for \$180.00, and a statement pursuant to 37 C.F.R. § 1.97(e)..

While no further fee is believed to be due, if this belief is in error, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. 460930-00010 (A-72170-1/RMS)).

Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

Respectfully submitted,  
DORSEY & WHITNEY LLP

Dated: 2/6/06  
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Attachments:  
Form PTO/SB/08A-B, Substitute for form PTO 1449  
8 references

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|  |   |    |                          |                        |                  |
|--|---|----|--------------------------|------------------------|------------------|
| Substitute for form 1449A/PTO<br>(Modified)<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) |   |    | <b>Complete if Known</b> |                        |                  |
|  |   |    | Application Number       | 10/805,683             |                  |
|  |   |    | Filing Date              | March 10, 2004         |                  |
|  |   |    | First Named Inventor     | Spangler, Charles W.   |                  |
|  |   |    | Art Unit                 | 1618                   |                  |
|  |   |    | Examiner Name            | Michael G. Hartley     |                  |
| Sheet  | 1 | of | 1                        | Attorney Docket Number | Docket A-72170-1 |

| U.S. PATENT DOCUMENTS |                       |  |                             |   |   |
|-----------------------|-----------------------|--|-----------------------------|---|---|
| Examiner Initials*    | Cite No. <sup>1</sup> | Document Number Number-Kind Code <sup>2</sup> (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|                       | A1                    | US-2002156117 A1   | 10-24-2002                  | Achilefu et al.                                 |   |
|                       | A2                    | US-2003036538 A1   | 02-20-2003                  | Achilefu et al.                                 |   |
|                       | A3                    | US-  |                             |   |   |
|                       | A4                    | US-  |                             |   |   |
|                       | A5                    | US-  |                             |   |   |
|                       | A6                    | US-  |                             |   |   |
|                       | A7                    | US-  |                             |   |   |
|                       | A8                    | US-  |                             |   |   |
|                       | A9                    | US-  |                             |   |   |
|                       | A10                   | US-  |                             |   |   |

| FOREIGN PATENT DOCUMENTS |                       |   |                             |   |   |                |
|--------------------------|-----------------------|---|-----------------------------|---|---|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document Country Code <sup>2</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>6</sup> |
|                          | B1                    | WO0152746   | 07-26-2001                  | Achilefu et al.                                 |   |                |
|                          | B2                    | WO03003806  | 01-16-2003                  | Achilefu et al.                                 |   |                |
|                          | B3                    | WO03004466  | 01-16-2003                  | Achilefu et al.                                 |   |                |
|                          | B4                    | WO03011106  | 02-13-2003                  | Achilefu et al.                                 |   |                |
|                          | B5                    | WO03032900  | 04-24-2003                  | Achilefu et al.                                 |   |                |
|                          | B6                    | WO03032901  | 04-24-2003                  | Achilefu et al.                                 |   |                |
|                          | B7                    | WO03032902  | 04-24-2003                  | Achilefu et al.                                 |   |                |
|                          | B8                    | WO03065888  | 08-14-2003                  | Achilefu et al.                                 |   |                |

| NON PATENT LITERATURE DOCUMENTS |                       |   |                |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>6</sup> |
|                                 | C1                    | Becker et al. "Receptor-Targeted Optical Imaging of Tumors with Near-infrared fluorescent ligands", <i>Nature Biotechnology</i> , Vol. 19, April 2001, pps. 328-329   |                |
|                                 | C2                    | Achilefu et al. "Novel Receptor-Targeted Fluorescent Contrast Agents for in Vivo Tumor Imaging", <i>Investigative Radiology</i> , Vol. 35, No. 8, 2000, pages 479-485   |                |

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|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English Language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and selection option 2